

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM CADDICK, STEPHEN HOPKINS,
individually and on behalf of all similarly
situated individuals,

Plaintiffs,

v.

TASTY BAKING COMPANY,

Defendant.

Case No. 2:19-cv-02106-JDW

Jury Trial Demanded

ORDER

AND NOW, on this 14th day of February, 2020, upon consideration of Plaintiffs' submission of the proposed Notice and Consent to Join Form ("Notice") attached hereto as Exhibit 1, which Defendant has reviewed and approved, it is hereby ORDERED that said Notice shall be disseminated in accordance with the Court's directive in its January 24, 2020 Order (ECF No. 43, ¶3).

IT IS SO ORDERED.

/s/ Joshua D. Wolson

Hon. Joshua D. Wolson

EXHIBIT 1

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**[PROPOSED] NOTICE OF YOUR RIGHTS IN CONNECTION WITH A LAWSUIT
AGAINST TASTY BAKING COMPANY FOR UNPAID OVERTIME WAGES**

A federal district court has authorized this Notice. This is not a solicitation from a lawyer. Nothing in this Notice is intended as an expression of the Court's opinion about the merits of Plaintiffs' claims or about whether you should join this lawsuit.

IMPORTANT DEADLINE:

You Must Take Action by [insert date 45 days from postmark]

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

- Two distributors (“Plaintiffs”) who signed Distributor Agreements with Tasty Baking Company (“Tasty” or “Defendant”) sued the company alleging that Tasty has improperly categorized distributors as independent contractors, and, because of that, they claim that Tasty should have paid overtime wages for all hours worked over 40 each week. Tasty denies these allegations. The Court has not made any determination as to the merits of Plaintiffs’ claims or as to Tasty’s defenses.
- The Court has conditionally certified an opt-in collective action that you may choose to join. **To participate in this collective action, you must mail the enclosed CONSENT TO JOIN FLSA CLASS form so it is postmarked by [insert date 45 days from postmark date].**
- The Court has not decided whether Tasty did anything wrong. There is no money available now, and there is no guarantee there will be. However, your legal rights are affected and you have choices to make now that are explained in this Notice.

Basic Information

This Notice is to inform you about a lawsuit in which you may make a claim for unpaid overtime wages, to advise you of how your rights may be affected by this suit, and to describe how you can participate in these proceedings. Two current Distributors (Plaintiffs) have sued Tasty on behalf of themselves and other similarly situated Distributors who they allege were improperly categorized as independent contractors. Your rights may be affected if you worked for Tasty as a distributor at any time from **May 15, 2016** to the present and were characterized as an independent contractor.

Summary of the Case

This lawsuit was filed against Tasty on May 15, 2019. Plaintiffs allege that Tasty misclassified them as independent contractors and violated the Fair Labor Standards Act (“FLSA”) by failing to pay overtime wages. The lawsuit is pending in the U.S. District Court for the Eastern District of Pennsylvania. The Honorable Joshua D. Wolson is assigned to the case. In the lawsuit, Plaintiffs seek to recover overtime pay.

Tasty denies Plaintiffs' allegations and denies that Plaintiffs and those they seek to represent are entitled to any relief. Tasty contends that all distributors are independent contractors, not employees. Tasty also contends that distributors were properly compensated for all services provided and are exempt from overtime pay under the FLSA.

The Court Has Conditionally Certified a “Class” In Which You May Participate

If you worked for Tasty as a distributor and were characterized as an independent contractor at any time during the last three years, you may wish to participate in the FLSA Class.

To participate in the FLSA Class, you must complete, sign and mail the CONSENT TO JOIN FLSA CLASS form enclosed with this notice so that it is postmarked on or before [insert date 45 days from postmark date].

Because the liability period for your claim depends on the filing of your Consent to join FLSA CLASS form, you are encouraged to return it as soon as possible if you intend to participate. If you do not return the form so that it is postmarked by [insert date 45 days from postmark date], you will not be able to seek FLSA wage damages in this lawsuit.

This class will seek to prove that distributors were employees rather than independent contractors and are therefore entitled to unpaid overtime wages under the FLSA.

If you participate in the FLSA Class, you may be entitled to an award of damages only if the Court determines that Tasty violated rights under the law.

If you do not wish to seek overtime wages damages by participating in the FLSA Class, you do not need to take any action. Choosing not to participate in the FLSA Class will not eliminate your right to pursue a possible claim on an individual basis.

Tasty May Not Retaliate Against You

Federal law prohibits Tasty from terminating your position with the company or in any other manner discriminating against you because you have exercised your legal right to opt in to the FLSA Class or because you have otherwise exercised your rights under the FLSA.

The Legal Effect of Joining this Lawsuit

Your potential ability to recover money may differ depending on what choices you make. If you choose to participate in the FLSA Class by submitting the enclosed **CONSENT TO JOIN FLSA CLASS** form, you will be bound by the judgment on your federal FLSA claim whether favorable or unfavorable, and by any settlement of the FLSA claims that may later be made by the parties and approved by the Court as fair and reasonable. While the suit is proceeding, you may be required to provide information, appear for a deposition, or testify in court.

The Legal Effects of Not Joining This Lawsuit

If you choose not to participate in the FLSA Class, the statute of limitations for any claim of unpaid compensation that you may have will continue to run and your claim could expire forever. If you do not participate in the FLSA Class, you will not be bound by any ruling, judgment, award, or settlement, entered in this case, favorable or unfavorable.

Legal Representation If You Join the Lawsuit

The attorneys for Plaintiffs and the FLSA Class are:

Simon B. Paris, Esq.
Patrick Howard, Esq.
Charles J. Kocher, Esq.
Jeffrey Goodman, Esq.
SALTZ, MONGELUZZI, BARRETT & BENDESKY, P.C.
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Telephone: (215) 496-8282
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Email: phoward@smbb.com
Email: ckocher@smbb.com
Email: jgoodman@smbb.com

Plaintiffs' counsel are being paid on a contingency fee and/or statutory basis, which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys will ask the court to order they receive a part of any settlement obtained or money judgment entered or order that Defendant pay their fees and costs separately.

You have the right to retain your own attorney, but you are not required to do so. If you choose to join this lawsuit and do not retain your own attorney, you will be represented by the attorneys listed above.

Additional Information

The information in this Notice is only a summary of the litigation. For further information about this lawsuit, you may contact the Notice Provider, Settlement Services, Inc. at 844-569-4540 or Plaintiffs' counsel using the information provided above.

Although the Court has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiffs' claims or Tasty's liability, if any.

William Caddick, et al. v. Tasty Baking Company, No. 2:19-cv-02106-JDW (E.D.P.A.)**CONSENT TO JOIN FLSA CLASS**

I hereby **consent** to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* to recover overtime wages owed to me as a distributor for Tasty Baking Company in the lawsuit *William Caddick, et al. v. Tasty Baking Company*, No. 2:19-cv-02106-JDW (E.D.P.A.). I worked for Tasty as a distributor at any point in time since May 15, 2016 and was classified as an independent contractor.

For purposes of prosecuting my claims under the FLSA, I hereby give my consent to be represented by counsel for the Plaintiffs as identified in the Notice sent by this Court. If this case does not proceed collectively, I also consent to join any subsequent action to assert claims against Tasty for overtime wages. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter and complying with court rules.

Dated: **Month Day, 2020**

Signature

Printed Name

No information included below will be filed with the Court.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

First Name	Last Name	
Street Address		
City	State	Zip
E-Mail Address	Mobile Phone	Home Phone
Date of Birth	Social Security Number (Required)	

Return this form **SO IT IS POSTMARKED BY** [**Insert Date - 45 days from Notice postmark date**]

Return to: Settlement Services Inc.
 PO Box 10269
 Tallahassee, Florida 32302-2269
 844-569-4540